

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EMMANUEL BRYANT,
Plaintiff,

v.

RADDAD, et al.,
Defendants.

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CIVIL ACTION NO. 21-CV-1116

ORDER

AND NOW, this 22nd day of June, 2021, upon consideration of Plaintiff Emmanuel Bryant's Application for Leave to Proceed *In Forma Pauperis* (ECF No. 1), pro se Complaint (ECF No. 2), Prisoner Trust Fund Account Statement (ECF No. 3), Motion for a Preliminary Injunction and Temporary Restraining Order (ECF No. 5), Motion for Leave to File an Amended Complaint (ECF No. 7), and proposed amended complaint attached to this Motion (ECF No. 7 at 2-4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Emmanuel Bryant, #821211, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Philadelphia Industrial Correctional Center or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Bryant's inmate account; or (b) the average monthly balance in Bryant's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Bryant's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income

credited to Bryant's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Philadelphia Industrial Correctional Center.

4. Bryant's Motion for a Preliminary Injunction and Temporary Restraining Order is **DENIED WITHOUT PREJUDICE** for the reasons set forth in the accompanying Memorandum.

5. Bryant's Motion for Leave to File an Amended Complaint is **GRANTED IN PART** and **DENIED IN PART** for the reasons set forth in the accompanying Memorandum. The Motion is **GRANTED** to the extent Bryant seeks leave to file an amended complaint, but **DENIED** to the extent he seeks to file the proposed amended complaint (ECF No. 7 at 2-4) as the operative pleading in this case.

6. Bryant is given thirty (30) days to file an amended complaint. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Bryant's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 21-1116. Bryant's amended complaint must be a *single, comprehensive document* that includes all of the bases for Bryant's claims. Claims that are not included in the amended complaint will not be considered part of this case. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Bryant fails to file an amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ Hon. C. Darnell Jones II

C. DARNELL JONES, II, J.